

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BARBARA LEWIS, et al.,
Plaintiffs,
v.
RODAN & FIELDS, LLC,
Defendant.

Case No. 18-cv-02248-PJH

**ORDER TERMINATING PENDING
MOTIONS WITHOUT DECISION**

Re: Dkt. No. 198

On August 28, 2020, the court administratively terminated without decision plaintiff's motion for class certification (Dkt. 98), defendant's motion to exclude expert testimony (Dkt. 146), as well as both motions' respective motions to seal (Dkts. 88, 139, 166, and 177). Dkt. 184. On December 23, 2020, the court similarly terminated plaintiff's motion for a protective order (Dkt. 155), as well as that motion's related motions to seal (Dkts. 156, 160). Dkt. 189 at 2. In both orders, the court permitted the parties to re-notice their motions. Dkt. 184; Dkt. 189.

On February 25, 2021, the parties filed a joint stipulation and proposed order regarding renewal and briefing of terminated motions. Dkt. 193. In it, they requested that the court "administratively reactivate" and "re-notice" the above-referenced terminated motions. Id. at 2. On February 26, 2021, the court renewed the subject motions and set the motion for class certification, motion to exclude expert testimony, as well as their related motions to seal for hearing on June 3, 2021. Dkt. 194. Subsequently, on May 6, 2021, defendant filed a reply in support of its motion to exclude, as well as a related motion to seal. Dkt. 195.

On June 1, 2021, the parties filed the instant joint stipulation and proposed order

1 regarding settlement in principle. Dkt. 198. In it, they ask for the following two forms of
2 relief: (1) the June 3, 2021 hearing on plaintiff's motion for class certification "be removed
3 from calendar"; and (2) "[E]xcept for all motions to seal which shall remain pending, the
4 remaining currently pending motion be withdrawn, without prejudice to the moving party's
5 right to refile in the event that a final agreement is not reached." Id. at 2. To support their
6 requests, the parties explain that they have "reached an agreement in principle to resolve
7 this litigation that, if finalized, would dispose of all claims in this action." Id. at 1.

8 The court hereby **VACATES** the June 3, 2021 hearing on the motion for class
9 certification, motion to exclude expert testimony, as well as all related motions to seal.
10 Additionally, the court again administratively **TERMINATES** without decision all motions
11 renewed by it on February 26, 2021. Those motions include the motion for class
12 certification (Dkt. 98), motion to exclude expert testimony (Dkt. 146), and motion for a
13 protective order (Dkt. 155), as well as their related motions to seal (Dkts. 88, 139, 156,
14 160, 166, and 177). Further, the court **TERMINATES** without decision the motion to seal
15 filed in connection with defendant's reply in support of its motion to exclude expert
16 testimony. Dkt. 195. To be clear, the court will **not** decide any motion to seal absent its
17 adjudication of the motion for class certification, motion to exclude expert testimony, or
18 motion for a protective order. That said, all materials filed in connection with any of the
19 above-referenced motions to seal will remain protected from public view.

20 Lastly, the court notes that this action was filed on April 13, 2018. The court will
21 not permit it to languish indefinitely on the court's docket without prosecution. **Within 28**
22 **days of this order**, the parties must jointly file a report updating the court on the status of
23 their settlement.

24 **IT IS SO ORDERED.**

25 Dated: June 2, 2021

26 /s/ Phyllis J. Hamilton
27 PHYLLIS J. HAMILTON
28 United States District Judge